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10/700,461	11/05/2003	Yoriko Yagi	YMOR: 297	6397

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EXAMINER
SHIBRU, HELEN

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>1</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>15 November 2003</u>.

2a) ☐ This action is FINAL.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-16</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☐ Claim(s) _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☒ Claim(s) <u>1-16</u> are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1.   Restriction to one of the following inventions is required under 35 U.S.C. 121:

   I.   Claims 1-5, drawn to an audio-video multiplexed data generating apparatus that

         multiplexes audio and video data together comprising "…;a video data storage for

         storing the video data encoded by the video encoder; a spare-video encoder for

         encoding video data at a frame rate different from the frame rate of said video

         encoder; a spare-video-data storage for storing the video data encoded by said

         spare-video encoder; a synchronization information generator for generating

         synchronization information for synchronizing the audio data and the video data

         when multiplexed data is reproduced; a synchronization information storage for

         storing the synchronization information generated by said synchronization

         information generator; and an audio-video multiplexer for multiplexing the audio

         data stored in said audio data storage, the video data stored in said video data

         storage, the spare video data stored in said spare-video-data storage, and the

         synchronization information generated by said synchronization information

         generator", classified in class 386, subclass 34.

   II.   Claims 6-9, drawn to an audio-video multiplexed data reproducing apparatus that

         demultiplexes multiplexed audio-video data comprising, "a video data storage for

         storing video data demultiplexed by said audio-video demultiplexer; a spare-

         video-data storage for storing the spare video data demultiplexed by said audio-

video demultiplexer; a synchronization information storage for storing the synchronization information demultiplexed by said audio-video demultiplexer; an audio decoder for decoding said audio data; a video selector for selecting either said video data or said spare-video-data to be decoded; a video decoder for decoding the video data selected by said video selector; and a synchronization controller for controlling said audio decoder, said video selector, and said video decoder according to said synchronization information to reproduce the multiplexed data", classified in class 386, subclass 12.

III.   Claims 10-15, drawn to a moving video decoding apparatus that decodes moving video data, comprising; "a video-decoding-determining module for determining whether or not video decoding is completed within a predetermined time; ...; a color converter for performing color conversion of the decoded data outputted from said video decoder; and a video display for displaying the color-converted data outputted from said color converter; wherein said video decoder omits video decoding according to a predetermined rule to reduce the amount of processing depending on the determination made in said video-decoding-determining module", classified in class 375, subclass 240.24.

IV.   Claim 16, drawn to an audio-video multiplexed data generating and reproducing system that encodes audio data and video data, multiplexes the audio and video data together to generate audio-video multiplexed data, and reproduces the audio-video multiplexed data, comprising "...;if decoding by said video decoder is not complete in time, decoding by said video decoder the spare video data instead of

> said demultiplexed video data; and when the decoding by said video decoder is
>
> completed within a predetermined time, decoding said demultiplexed video data
>
> instead of said spare data by said video decoder to restore the original frame rate
>
> of moving video reproduction", classified in class 375, subclass 25.

2.   The inventions are distinct, each from the other because of the following reasons:

Groups I-IV are related as combination and subcombination. Inventions in this relationship are

distinct if it can be shown that (1) the combination as claimed does not require the particulars of

the subcombination as claimed for patentability, and (2) that the subcombination has utility by

itself or in other combinations (MPEP § 806.05(c)). In the instant case, the audio-video

multiplexed data generating apparatus as claimed in claim 1 does not require the features of, "a

video data storage for storing video data demultiplexed by said audio-video demultiplexer; a

spare-video-data storage for storing the spare video data demultiplexed by said audio-video

demultiplexer; a synchronization information storage for storing the synchronization information

demultiplexed by said audio-video demultiplexer; an audio decoder for decoding said audio data;

a video selector for selecting either said video data or said spare-video-data to be decoded; a

video decoder for decoding the video data selected by said video selector; and a synchronization

controller for controlling said audio decoder, said video selector, and said video decoder

according to said synchronization information to reproduce the multiplexed data" as claimed in

claim 6 of group II, "a video-decoding-determining module for determining whether or not video

decoding is completed within a predetermined time; a color converter for performing color

conversion of the decoded data outputted from said video decoder; and a video display for

displaying the color-converted data outputted from said color converter; wherein said video

decoder omits video decoding according to a predetermined rule to reduce the amount of

processing depending on the determination made in said video-decoding-determining module" as

claimed in claim 10 of group III, and "if decoding by said video decoder is not complete in time,

decoding by said video decoder the spare video data instead of said demultiplexed video data;

and when the decoding by said video decoder is completed within a predetermined time,

decoding said demultiplexed video data instead of said spare data by said video decoder to

restore the original frame rate of moving video reproduction" as claimed in claim 16 of group

IV.

     Similarly, the an audio-video multiplexed data reproducing apparatus as claimed in claim

6 of group II does not require the features of "a video data storage for storing the video data

encoded by the video encoder; a spare-video encoder for encoding video data at a frame rate

different from the frame rate of said video encoder; a spare-video-data storage for storing the

video data encoded by said spare-video encoder; a synchronization information generator for

generating synchronization information for synchronizing the audio data and the video data when

multiplexed data is reproduced; a synchronization information storage for storing the

synchronization information generated by said synchronization information generator; and an

audio-video multiplexer for multiplexing the audio data stored in said audio data storage, the

video data stored in said video data storage, the spare video data stored in said spare-video-data

storage, and the synchronization information generated by said synchronization information

generator" as claimed in claim 1 of group I, "a video-decoding-determining module for

determining whether or not video decoding is completed within a predetermined time; a color

converter for performing color conversion of the decoded data outputted from said video

decoder; and a video display for displaying the color-converted data outputted from said color

converter; wherein said video decoder omits video decoding according to a predetermined rule to

reduce the amount of processing depending on the determination made in said video-decoding-

determining module" as claimed in claim 10 of group III, and "if decoding by said video decoder

is not complete in time, decoding by said video decoder the spare video data instead of said

demultiplexed video data; and when the decoding by said video decoder is completed within a

predetermined time, decoding said demultiplexed video data instead of said spare data by said

video decoder to restore the original frame rate of moving video reproduction" as claimed in

claim 16 of group IV.

In addition, the moving video decoding apparatus as claimed in claim 10 of group III

does not require the features of "a video data storage for storing the video data encoded by the

video encoder; a spare-video encoder for encoding video data at a frame rate different from the

frame rate of said video encoder; a spare-video-data storage for storing the video data encoded

by said spare-video encoder; a synchronization information generator for generating

synchronization information for synchronizing the audio data and the video data when

multiplexed data is reproduced; a synchronization information storage for storing the

synchronization information generated by said synchronization information generator; and an

audio-video multiplexer for multiplexing the audio data stored in said audio data storage, the

video data stored in said video data storage, the spare video data stored in said spare-video-data

storage, and the synchronization information generated by said synchronization information

generator" as claimed in claim 1 of group I, "a video data storage for storing video data

demultiplexed by said audio-video demultiplexer; a spare-video-data storage for storing the spare

video data demultiplexed by said audio-video demultiplexer; a synchronization information

storage for storing the synchronization information demultiplexed by said audio-video

demultiplexer; an audio decoder for decoding said audio data; a video selector for selecting

either said video data or said spare-video-data to be decoded; a video decoder for decoding the

video data selected by said video selector; and a synchronization controller for controlling said

audio decoder, said video selector, and said video decoder according to said synchronization

information to reproduce the multiplexed data" as claimed in claim 6 of group II, and "if

decoding by said video decoder is not complete in time, decoding by said video decoder the

spare video data instead of said demultiplexed video data; and when the decoding by said video

decoder is completed within a predetermined time, decoding said demultiplexed video data

instead of said spare data by said video decoder to restore the original frame rate of moving

video reproduction" as claimed in claim 16 of group IV.

     Lastly, the audio-video multiplexed data generating and reproducing system as claimed in

claim 16 does not require the features of "a video data storage for storing the video data encoded

by the video encoder; a spare-video encoder for encoding video data at a frame rate different

from the frame rate of said video encoder; a spare-video-data storage for storing the video data

encoded by said spare-video encoder; a synchronization information generator for generating

synchronization information for synchronizing the audio data and the video data when

multiplexed data is reproduced; a synchronization information storage for storing the

synchronization information generated by said synchronization information generator; and an

audio-video multiplexer for multiplexing the audio data stored in said audio data storage, the

video data stored in said video data storage, the spare video data stored in said spare-video-data

storage, and the synchronization information generated by said synchronization information generator" as claimed in claim 1 of group I, "a video data storage for storing video data demultiplexed by said audio-video demultiplexer; a spare-video-data storage for storing the spare video data demultiplexed by said audio-video demultiplexer; a synchronization information storage for storing the synchronization information demultiplexed by said audio-video demultiplexer; an audio decoder for decoding said audio data; a video selector for selecting either said video data or said spare-video-data to be decoded; a video decoder for decoding the video data selected by said video selector; and a synchronization controller for controlling said audio decoder, said video selector, and said video decoder according to said synchronization information to reproduce the multiplexed data" as claimed in claim 6 of group II, and "a video-decoding-determining module for determining whether or not video decoding is completed within a predetermined time; a color converter for performing color conversion of the decoded data outputted from said video decoder; and a video display for displaying the color-converted data outputted from said color converter; wherein said video decoder omits video decoding according to a predetermined rule to reduce the amount of processing depending on the determination made in said video-decoding-determining module" as claimed in claim 10 of group III.

3.   Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4.   Applicant is advised that the reply to this requirement to be complete must include an

election of the invention to be examined even though the requirement be traversed (37 CFR

1.143).

5.   Applicant is reminded that upon the cancellation of claims to a non-elected invention, the

inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the

currently named inventors is no longer an inventor of at least one claim remaining in the

application. Any amendment of inventorship must be accompanied by a request under 37 CFR

1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329.

The examiner can normally be reached on M-F, 8:30AM-5PM.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HELEN SHIBRU/
Examiner, Art Unit 2621
June 15, 2008

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621